THE

WEEKLY ENTERTAINER.

For MONDAY, January 18, 1808.

For the WEEKLY ENTERTAINER.

Extracts from the Journal of Mr. Samuel Prout, Jun. made when on a Tour to Cornwall.

SIR,

WITH my sketch-book as a companion, I frequently make pedestrian excursions into the country, for, as St. Augustine says, when speaking of the great advantages of travelling, that " the world is a great book, and none study this book so much as a traveller. They that never stir from home read only one page of this book."

Drizzling rain, torrents, floods, and fogs, had long been an hindrance to my projected scheme of visiting part of the county of Cornwall; but when the mind is bent on any object, and the resolution formed, an opposition to its purposes only inflames the curiosity, and acts as a stronger stimulus to perseverance. Unpropitious as were the appearances of the weather, I determined to leave Plymouth on Monday the 8th of March, and seek for clearer skies on the western coast of Cornwall. My first resting place was at Tavistock, where I embraced the opportunity of noticing the interesting fragments of antiquity which have been rescued from the hands of ignorance, by —— B. esq. of the Abbey-house, in whose gardens they are preserved. Connected with the cloisters of the abbey is a beautiful specimen of monumental architecture, said to be the tomb of Ordulph, also the supposed sarcophagus or stone coffin of the same person, with an erect sepulchral stone, with the inscription,

" Nepos Rani Filii Condevi."

The grandson of Ranus, the son of Condevas."

But as my object was particularly to visit the sister county I very soon left the town, and turning out of the road, proceeded to Catermarther rocks, which rise to a great height, intermingled with trees and bush-wood. The river Tamer, in deep waters, flows at the base of this perpendicular steep, reflecting the whole with beautiful transparency, adding much to the solemnity of the seclusion. The retreat only of the solitary heron, whose angry screams bespoke its unwillingness to leave its dreary abode. Following an irregular path to Greystone bridge, I was much charmed with the grandeur and variety of the scenery. The bridge has seven arches tastily ornamented with ivy, and with the surrounding hills form a scene strikingly picturesque. The turnpike-house, and a farmer's cottage, enliven this enchanting spot. From the excessive fatigue of dirty roads, and unfavourable weather, I gladly accepted an invitation of rest at the latter. Generally, the hospitality of farmers is very great; strangers to the hypocrisy of fashionable friendship, there is an openness and frankness in their manner and disposition, which cannot fail to yield abundant satisfaction; accommodate to their manners, and endeavour to meet their dispositions, and their affections are engaged; a submissive disposition is necessary through life, for without it we shall incur displeasure and contempt—'tis a trifling sacrifice in comparison with its reward.

On reaching the White Hart Inn, in Launceston, I met a scene of the greatest confusion—a public festival, in connection with a custom of the borough. Six and thirty years since the mayor, &c. of this town, went round the bounds of this borough, and this was the day appointed for a renewal of the form. The procession was truly laughable; "tag, rag, and bobtail," drums and fifes proclaimed the approach of Mr. Mayor, and his attendants, who were protected and supported with great dignity by the gentlemen of the mace. The procession, on their return, was still more ridiculous, the van being led up by a single fife, and twenty children of poverty, with dirty ribbons dangling from their pole-less hats. Those boys had been somewhat roughly handled by the corporation and commonalty, who had thrown them into rivers and mill-ponds, at certain boundaries, for the purpose of effectually sealing witness to their territories. Fully to perform this ancient custom, one of the lads had his head dipped in a pan of milk and cream, that aged remembrance might fix on the spot from the connection of peculiar circumstances.

Perhaps there are but few who preserve the remembrance of antiquity with more strict observance than the inhabitants of Cornwall. Many ancient customs are still retained, and for which the Cornish entertain some sort of veneration. The town of Launceston is of great antiquity; its ancient name

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was Dunhevet, and was first founded by Edulphus, brother to Alpsius, duke of Devon and Cornwall. Two hundred years before the conquest, this lordship was given by William I. to the earl of Moreton and Cornwall, as half-brother. According to domesday, here was the earl's castle, and as it was the chief residence of him and his successors, the town considerably increased in houses and riches, and from them enjoyed many immunities, which were confirmed by subsequent charters. In the reign of Henry III. it was made a free borough, by the king's brother, Lord Richard, earl of Poictiers.

From St. Stephen's the town of Launceston creeps up the side of a steep hill, under one of the gates connected with the walls that formerly encompassed the town. Crowning the eminence, are the venerable mouldering walls of its castle, which probably gave birth to the town. "The town of Launceston (says Borlase) was first built by Edulphus, but the castle must be much more ancient, for the town was evidently built for the sake of the castle, to be more the residence of the prince, not the castle to guard the town. Of this there are several proofs: the high hill on which the keep stands is a certain evidence that it was shaped in the manner we see it, before the town could be formed, for where there are houses so thick, it would be madness to think of erecting a work of this kind. The hill for the keep must be certainly the first thing considered in all such works, for to make such a hill after other fortifications, and after a town was built, would be tearing every thing to pieces." The only appearance of antiquity in the town is the entrance door of the White Hart Inn, which is ornamented with the Saxon character, but as there are not any buildings connected with it, favouring of so early a date, it was, probably, removed from the buildings of the castle.

"The ancient town of Dunheved (says Tonkin) stood at the distance of half a mile to the S.S.W. of the present town of Launceston. The principal entrance to the castle was from the S.W. under a double arch, which enters the area; from which rose a lofty hill, of a conoidal form; and on the summit stands the ruined walls of the keep, consisting of three wards, each surrounded with a circular wall. The whole diameter of the keep is ninety-three feet; and the height of the parapet, above the base court, one hundred and four. The diameter of the base of the hill is upwards of five hundred feet." By the ruins it appears to have been a fortress of great importance, as it covered a considerable extant of ground. The building of this castle has been attributed to William, earl of Moreton and Cornwall, but the style of workmanship which it exhibits appears of a much earlier date, and was probably erected at the time when the Britons strongly fortified their most important posts against the usurpations of the Romans and Saxons.

The church of Launceston exhibits a specimen of the state of architecture about the sixteenth century. The tower appears of greater antiquity than the body of the church, which is separated by two dwelling-houses. The outside of the structure is sculptured with flowers, shields, crests, &c. every block of stone bearing some representation. Under the central window at the east end is introduced Mary Magdalen (to whom the church is dedicated), reclined on a bed of flowers. Round the building, just below the windows, runs a range of letters sculptured on shields:—"Ave Maria gratiæ plinæ dominus tecum sporsus Maria optimam portem elegit aquam terribilis ac metuendus est locus iste vere iliud non est hic nisi Dei et porta cæli."

To those who can admire the romantic and the picturesque, few places in the kingdom exhibit a greater variety than Launceston, and its neighbourhood, where the antiquarian and the artist will find a great variety for their speculations and taste. On leaving this town, I descended to the church of St. Thomas, and ascended through the very ancient borough of Newport, commonly called St. Stephen's, from the church being dedicated to a saint of that name. Here Warlewast, bishop of Exeter, placed a prior and canons of the order of St. Augustine.

(To be continued.)

THE LETTER-BOX.

No. 19.

To the Editor.

"Da modicum ut recipias centuplum."

St. Augustin.

"Give a little, and thou shalt receive an hundred fold."

Sir,

At this inclement season of the year, in which even the affluent are not altogether exempt from the consequent evils of a northern climate, every *real Christian* will naturally commiserate the wretched fate of *the poor!* The most noble moral principle of our religion is *charity.* In the Old Testament, we may read in Job. chap. 29, &c. "Because I delivered the poor that cried, and the fatherless, and him that had none to help him, the blessing of him that was ready to perish came upon me; and I caused the widow's heart to sing with joy. I was a father to the poor, &c." And in the New Testament, we are also told by St. Luke, that when we make a feast,

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we are to call in the poor, the maimed, the lame, and the blind. And he adds "And thou shalt be blessed, for they cannot recompence thee: for thou shalt be recompenced at the resurrection of the just." St. Luke further declares, "Give, and it shall be given unto you." And in the Corinthians, we are assured that "God loveth a chearful giver." Innumerable assertions, of equal force, might easily be selected from every part of the sacred volume; but I sincerely hope that in this enlightened age, any additional inducements to charity would be considered superfluous.

In the course of my studies, I have met with various stories (to which I attach perfect credit) of the beneficial effects of this virtue to those who have manifested their love of it. Amongst others, Cedrenus tells of a Jew, who upon reading those words of Solomon, Prov. 19. 17. "He that hath pity upon the poor lendeth unto the Lord, and that which he hath given he will pay him again," resolved to try whether God would be as good as his word; to accomplish the experiment, he gave all that he possessed, except two pieces of silver, to the poor; and then waited in expectation of the fulfilment of the promise. Not, however, being immediately answered in that expectation, he grew angry, and went up to Jerusalem to expostulate with God. In the course of his journey, he found two men engaged in an unreasonable quarrel about a stone, that, both walking together, had discovered in the way, and to which each had an equal claim; but as the stone could not be divided, they could by no means agree as to the disposal of it. In order, therefore, to decide the controversy, the Jew gave his two pieces of silver to the contending travellers, and received the stone in exchange. On his arrival at Jerusalem, he shews it to a goldsmith, who tells him that it was a jewel of great value, being a stone lost from the high priest's ephod, to whom, if he carried it, he would certainly receive an immense reward. He did so, and was not disappointed. The high priest amply remunerated him; at the same time severely reproving him for his want of confidence in the promises of the Almighty.

To the truly generous man, the very act of giving more than repays him for the gift. The motive is divine, and divine the pleasure. It is a self-gratification of the most exquisite kind, —of a kind far superior to the boasted joys of noisy revelry, or all the pomp and pageantry of exalted rank. Few persons of a disposition to reflection, are destitute of charity; for charity is the effect of sympathy, originating in the contemplation of the miseries of our fellow-creatures, and stimulated by the few remaining sparks of perfection, left us from the fall of our first parents. But as example is generally more effectual than precept, I shall select another anecdote appropriate to the subject.

Alexander

Alexander the Great was naturally of so tender and humane a disposition, as made him sensible of the afflictions of persons in the lowest rank. A poor Macedonian soldier was one day leading before him a mule, laden with gold, for the king's use; the beast being so tired that he was not able either to go or sustain the load, the mule-driver took it up and carried it, but with great difficulty, a considerable way. Alexander seeing him just sinking under the burthen, and going to throw it on the ground, in order to ease himself from it, cried out, "Friend, do not be weary yet; try and carry it quite through to thy tent, for it is all thy own."

Now this was an act of generosity that well became so great a prince. Though it is out of our power to imitate such noble deeds in so magnificent a manner, yet it should be our chief pride and pleasure to come as near them as possible. Every poor labourer that toils to increase our wealth, and administer to our comforts, is equally as deserving of compassion as the mule-driver; and it is our duty, as Christians, to visit their dwellings, enquire into their wants, and endeavour to ameliorate their situations. I shall conclude with a sonnet:

When gath'ring clouds, at winter's stern command,
From northern hills, in gloomy pomp descend,
'Tis thine, sweet charity! compassion's friend!
To soothe misfortune with unsparing hand.

Ye, who in sportive festivals delight,
In splendid domes impervious to the winds,
Ye little dream, how speeds the cotter's night,
Where every cutting blast admission finds.

His is a bed of straw! and hunger his!
Close to his neck his shiv'ring infant clings,
Whilst *you*, ye gay! pervade the haunts of bliss,
Where fleeting time shakes odours from his wings.

Oh how superior are the joys of those
Who seek the sons of want, and mitigate their woes.

X.

Mr. Editor,

I send you, for the Letter-Box, an original specimen of

"Barbarous Wit."

A late facetious gentlemen of Exeter, one day *after he had been shaved*, asked his barber what kind of *skin* was best for making a *razor-strap*; the man replied, that calf-skin or sheep-skin appeared to him to be equally good. "But, (said the wit)

I believe you think *asses-skin* to be best as a finisher, for I observe, the last thing you do, before you begin to shave, is to draw the razor several times over the *palm of your hand.*" The shaver immediately retorted, "I wish, my old friend, you had made that remark a little *sooner*, for I would have *had* a good piece of *asses*-skin to have fixed on my strap!" *That's* the *barber!!*

V. U.

To the Editor,

Sir,

A Plymouth correspondent informs me, that a report prevails there, respecting the loss of the Anson frigate,* by no means favourable to Cornish humanity; and, as I have asserted in a former letter, that "humanity is the characteristic of every *genuine* Cornishman," I feel it my duty to correct every misrepresentation of facts, that may tend to invalidate my opinion.

It has been confidently said, amongst the gentlemen of the navy, at Plymouth, that the spectators on shore refused their assistance to the unfortunate crew, by which means many a valuable life was unnecessarily thrown away. From what quarter such an unfounded assertion could originate, I am at a loss to conceive; as it is a well-known fact, that many of my brave and philanthropic countrymen exposed themselves to all the dangers of a tremendous surf, to aid the sailors in escaping from the wreck. Were it not for their admirable dexterity, and undaunted heroism, many, very many, would have found a watry grave, who are now restored to the bosom of their friends, and to the service of their country. Even when the decks seemed cleared, some generous fellows rushed through the surf, and got on board over the wreck of the mainmast, to see if any of the crew still remained behind; by which noble exertion they saved the lives of two women and several men! If *this* is *inhumanity*, I shall glory in being numbered amongst the votaries of it. But this is not all; not content with preserving their fellow-creatures from impending destruction, many a poor man took off his coat, or his jacket, or his shirt, (perhaps his *only one*) and presented to some one or other of the shivering sailors! *Here*, again, Mr. Editor, is *inhumanity* for you!!! None of the *officers*, I presume, can cast a stigma on the inhabitants of *Helston!*—Should the base reports, which occasioned my writing you, reach the ears of any gentleman that was actually present, and had ocular demonstration of the facts I have just stated,

* This melancholy event happened in the dreadful storm of December 29, 1807.

stated, I should cherish a hope, that he would give the public a more interesting detail of the circumstances, than I (merely as an *auditor* of events) can possibly furnish.

Think not, Mr. Editor, that my judgment is warped by the influence of local attachment! *No*, Sir, I despise the character of a scribbling sycophant, who courts public applause, by palliating public enormities. My country, I own, is dear to me, but virtue still dearer; and when that country renders itself obnoxious to the scourge of justice, I shall be equally zealous in exposing its vices, as in applauding its merits.

I am, Sir,
Your obedient servant,

X.

Important Question, on the Right of Shooting and Hunting over Commons and Waste Lands.

[Extracted from Mr. WILKES's ENCYCLOPÆDIA LONDINENSIS, vol. iii. p. 237.]

LORD ERSKINE having had a case laid before him when he was at the bar, requesting his opinion whether a lord of a manor could prevent a landowner within the manor from killing game upon a common, where he had a right of common of pasture; and not having answered it before he was promoted to the great seal, he sent it to Edward Christian, esq. of Lincoln's inn, the judicious editor of Blackstone's Commentaries, who in consequence has collected the following authorities upon the subject.

It appears both from principles and authorities, that a landowner within a manor, who has nothing more than a right of common upon the waste, although he may have a qualification to kill game, has no right to kill game upon the waste or common; but that where the commoners have only common of pasture, the lord of the manor has the exclusive right to the game upon the commons and waste within the manor.

A tenant of a manor or a landholder may have a right of hunting or fishing upon the waste, as he has a right of pasturage; but they are distinct and independent rights; they must each be proved and supported either by an existing grant, or by prescription, which presumes an original grant from the lord, to whom the soil and the whole interest attached to it still belongs, except what has been so granted to the commoners.

Fleta makes the distinction in lib. iv. c. 23, 24, and 26. In c. 23 *de admens. past.* he says, "Illis autem, qui communiam tantum habent in fundo alicujus, aliud remedium non competit

nisi admensuratio," sec. c. In 2. 24, he calls communia pasturæ "jus pascendi." In c. 26, he says, "Item poterit quis communiam cum alio et jus fodiendi, sicut jus pascendi et jus *venandi, piscandi*, potandi, hauriendi, et alia plura, quæ infinita sunt, faciendi cum libero accessu et recessu secundum quod ad dictam communiam pasturæ pertinet." The tenant may have *jus venandi et piscandi*, but these rights are not necessarily annexed to the *jus pascendi*, or common of pasture, any more than the *jus fodiendi* or the right of digging turf or of opening mines.

The right of common of pasture can only be enjoyed, according to the words of Lord Coke, *by the mouths of the cattle* of him who has that right.

That the commoner has no right to kill or to take the game upon the common, seems to be fully established in Coney's case. Godbolt, 122. 29 Eliz.—An action of trespass was brought against John Coney, for digging of the plaintiff's close, and killing eighteen coneys there. The defendant pleaded, as to all the trespass but killing of two coneys, not guilty; and as to them he said, that the place where the trespass is supposed is a heath, in which he hath common of pasture; and that he found them eating of the grass; and that he killed them and carried them away, as it was lawful for him to do.

This case was argued by Lord Coke, and his argument equally applies to every species of game as to rabbits. He made two points: the first was, "Whether a commoner having common of pasture may kill the coneys which are upon the ground; and he said he might not. And first he said, it is to be considered what interest he who hath the freehold may have in such things as are *feræ naturæ*. Secondly, what authority a commoner hath in the ground in which he hath common. To the first he said, although such beasts are *feræ naturæ*, yet they are reduced to such property when they are in my ground by reason of my possession, which I there have in them, that I may have an action of trespass against him who takes them. But it is said, that he hath common there: what then?—yet he cannot meddle with the sand, wood, or grass, but by taking of the same *with the mouths of his cattle.*

"If he who hath the freehold bring an action against the commoner for entering into his land; if he plead not guilty, he cannot give in evidence that he hath common there. It is doubted whether a man can have property in things which are *feræ naturæ*; but in 10 Hen. vii. fo. 6, it is holden, that an account lieth for things *feræ naturæ*. Vide 14 Hen. VIII. fo. 1, the bishop of London's case. *As long as they are in his ground, they are in his possession*, and he shall have an action of trespass for the taking of them; and the writ shall be *damas suas.* And in the register, 102, it is *quare ducentos cuniculos suos pretii, &c. cepit.*"

cepit." After hearing the argument on the other side, Gaudy Ch. Justice observed, he cannot kill the coneys; and the court gave judgment for the plaintiff.

In the 43 Eliz. a commoner attempted to justify killing coneys upon a common, because they were there damage feasant; and the court there made a distinction between profitable animals and vermin. Bellew *v.* Langdon. Cro. Eliz. 876. Trespass for breaking his close and killing there two hundred coneys. The defendant justifies, for that he there had common appurtenant to such a house by prescription, and because the coneys were there damage feasant, he killed them; and it was thereupon demurred. The court resolved, that the plea was not good; for the coney is a beast of warren, and profitable as deer are, and are not to be compared to vermin. And therefore the keeping of them by the owner of the soil is lawful, and the killing of them unlawful and not justifiable.—Judgment for the plaintiff.

This doctrine is not confined to rabbits or deer, but comprehends every species of game, and also every other species of animal which is profitable and saleable, and not of that noxious nature which the public benefit justifies every subject in destroying. In the case of Sutton *v.* Moody, 2 Salk. 556, and in 1 Ld. Raym. 251, Lord Holt and the court expressly declared, "that a man has no more property in coneys in a warren than any man has in his own land. If A starts a hare in my close, and kills her there, it is my hare. The property continues all the while in me; but if he hunts it into the ground of a third person, then it is the hunter's." And this he took upon the authority of 12 Hen. VIII. 9.

I remember an action of trover tried before Lord Kenyon, at the sittings at Westminster. A gentleman, the plaintiff, started a hare in one man's ground, and coursed it into the ground of another, where his greyhounds killed it. The owner of the field, where it was killed, took it up and carried it away. Lord Kenyon directed a verdict for the plaintiff, and cited the distinction of Lord Holt with approbation.

The right of a commoner is well described in Bridgman's Reports, p. 10, in these words: "And as the commoner may not meddle with the soil, so cannot he meddle with any thing arising out of the land, or that doth grow or *is nourished* by the same, otherwise than to have his cattle fed there; and therefore it is adjudged, Mich. 5 Jac. that a commoner cannot kill coneys there, but may bring his action on the case." Though this was only the argument of Bridgman when he was counsel, yet this is adopted with approbation by Lord Kenyon, 6 T. R. 486.

I have been favoured by Mr. Nares with a case from his father's notes, in which it was not only decided that a commoner has

has no right to kill game upon the common, but that, after notice to refrain, the trespass must be certified to be wilful and malicious, so as to entitle the lord, the plaintiff, to full costs. It is the case of Swinnerton *v.* Jarvis, tried before Mr. Justice Nares, Stafford spring assizes, 1782. It was an action of trespass, for breaking and entering, &c. It was proved that the plaintiff was lord of the manor, and that the defendant was shooting on the waste, a heath where there was black game. The defendant had notice from the plaintiff to go off; he continued shooting two hours afterwards. It was proved the defendant had a large estate, and a right of common upon the heath.—Verdict for the plaintiff: damages, one penny.

Then follows this entry in the judge's note book: "I refused a certificate, not thinking it a wilful trespass, he never having been there before nor since, and thinking he had a right on account of his estate. However, the court of common-pleas held that his staying one moment after notice made it wilful, and that I was bound to certify, and therefore entered one *nunc pro tunc*."

This case must have been decided upon the principle that the lord of the manor is the owner of the soil upon the waste, and therefore has a right to the whole produce, except the grass, which may be taken by the mouths of the cattle of the commoners. It is a consequence of that general rule, Cujus est solum, ejus est usque ad cœlum et ad inferos. The right to the soil does not give the owner merely a right to those animals, which are denominated game, but to every other species of animal which is of value to an individual, and not noxious or hurtful to the public.

In the year-book, 22 Hen. VI. fo. 54, it was held, that an action might be brought for taking and carrying away *sex juvenes goshawks*, "six young goshawks." And it was laid down generally, *En ce cas le ley entend le propria bestes en moy*. "In that case the law understands the property of the beasts to be in me." The owner of the soil has every production, mineral, vegetable, and animal. All wild *bestes*, or creatures, whilst they remain upon the soil, the law considers in his possession, and gives him alone the right of taking. Fish are not game, and are every where annexed to the soil, where there is not an inconsistent right originating either in an existing or presumed grant.

The law is even more extensive than the maxim, "Cujus est solum, ejus est usque ad cœlum et ad inferos;" for where there is a right of property of any kind, the owner is entitled to all the produce of that property, both natural and adventitious. As where one has the soil, and another a tree growing upon it, the owner of the tree has not only the exclusive right to the fruit, but to every animal production, whilst it remains

in or upon that tree. That is expressly decided in the bishop of London's case, cited by Lord Coke in his argument from the year-book, 14 Hen. VIII. fo. 1.

The following were the circumstances of the bishop of London's case. The bishop of London brought an action of trespass against the defendant for entering his close, and taking away his herons and shovelers. The defendant pleaded that the place where the trespass was supposed to be committed was called the park, and was demised to him by the bishop for a term of years. The bishop replied, that he had demised the park with an exception of the trees, and that the herons when taken were resting and abiding in the trees. Upon demurrer, the court held that by the exception of the trees the bishop had reserved to himself a right of ingress to the trees, and that he alone had a right to take the herons and shovelers, or bees, or wild honey, or whatever was annexed or attached to the tree, whilst it continued so annexed or attached: and they gave judgment for the plaintiff.

It is frequently said, that game ought to be made the property of the owner of the ground. The ancient common law of England has made it such, as far as a property can exist in animals, which no fence can confine, and which have a power of conveying themselves at any time from one owner to another. That right, in the case of pheasants and partridges, was expressly declared by parliament in the preamble of 11 Hen. VII. c. 17, in these words: "Forasmuch as divers persons, having little substance to live upon, use many times to take and destroy pheasants and partridges upon the lands and tenements of divers owners of the same, by the which the same owners lose not only their pleasure that they should have about hunting and taking the same, but also lose the *profit and avail* that by that occasion should grow to their household." The statute then enacts, that if any person should take any pheasants or partridges upon the *freehold* of another without the consent of the owner of the ground, he shall forfeit ten pounds; one half to the prosecutor, and one half to the owner. This statute is still in force, and it protects the *profit and avail* of two animals only by a penalty. But the *profit and avail* of every other innoxious animal is secured to the owner by the common law in an action of trespass, not merely for an injury to the soil and herbage, but for taking and carrrying away *sua animalia*.

Silk-worms are only a species of caterpillar; but where the breed of them is preserved by the owner of the soil, every one ought both in moral and legal justice to make full compensation to the owner for any injury done to them. So frogs, snails, or butterflies, if they had a pecuniary value, would equally belong to the owner of the soil. Wild bees, and honey,

ney, are declared to be his property in the bishop of London's case, or to belong to the owner of the tree, if he is a different person from the owner of the ground. The law of England upon this subject is consistent with itself, and with the rules of abstract justice respecting property.

If every man's house is his castle, so every man's field is his garden; and no one has a better right to take a pheasant, woodcock, lark, or buttertly, out of another's field, than he has out of his garden, or out of his house.

If the tenants of a manor have immemorially exercised the right of killing game upon the waste, then it might be sustained as a *jus venandi* originally granted by the lord; but I should think the judges would require, besides proof of several instances of the exercise, strong traditional evidence, or evidence of reputation, that the tenants of that manor had a right of that sort peculiar to themselves, and different from the rights of commoners in general.

EDWARD CHRISTIAN.

Lincoln's Inn, September 1, 1807.

The Unfortunate Marriage; or the History of Mr. and Mrs. Hartley.

(Continued from Page 33.)

YOUTH, aided by a father's exertions, did much for William Falkland; he soon recovered his health; but his spirits and vivacity were not so easily restored. It was of no avail that his reason and good sense were continually reminding him, that such a woman as Caroline Cosby had proved herself, was not worth a thought, and that he ought to rejoice in his escape. Still he remembered that, "such things were, and were most pleasant to him;" and his vivid imagination was for ever recalling the scenes of felicity, which once seemed rising on his days.

Years elapsed, and the death of his father, by calling him to sustain a more responsible part in society, insensibly drew him a little from himself. His disposition had been hurt, not soured by his disappointment. He was still generous, tender, and actively humane; but a pensive cast had clouded that bright vein of pleasantry which once marked his conversation, and he lived as much as he could to himself; and in strolling over his grounds, and in literary researches, he passed his days, gradually sinking into a recluse, though not a misanthrope; he never more had bowed to the charms of beauty, he never more did homage to vanity in the form of a woman!

The

The residence of Mr. Selwyn in his neighbourhood, was a great acquisition to him; he became reconciled to society, such as he found at the rectory. Mrs. Selwyn he believed an exception to her sex; at least he thought her vanity had taken a proper turn, for he saw her vain only of her husband's affections, and anxious only to please him, and to do her duty as he pointed it out.

During the last six or seven years, Mr. Falkland had visited more promiscuously, and had recovered much of his former pleasant manner of conversing. Mr. Selwyn had mentioned Adriana to him with warm praise, on his first seeing her at the manor; but the quick flush of Mr. Falkland's countenance, and the abrupt manner in which he changed the conversation, convinced the rector that this was an unpleasant subject. How much then, and how agreeably was Mrs. Selwyn surprised, when she saw Adriana accidentally singled out for his partner at Oakley, and remarked by the unusual animation of his manner, that her amiable and attractive deportment had not failed of their effect, and that the lover of the mother might hereafter prove the friend of the daughter. She had cautiously evaded all his enquiries respecting Miss *Adrian*, though the anxious interest with which he made them, did not escape her penetration; for the magnetic influence of Miss Cosby seemed to be extended to Miss Hartley.

We have seen the motives which produced the union between Mr. and Mrs. Hartley: vanity on the one hand, passion on the other. Mrs. Hartley was intoxicated with her success, and pursued the career of pleasure with unsated avidity. Mr. Hartley paid her attention as long as it is usual for men of fashion to pay it to their wives; he then continued the *utmost politeness* towards her, and contentedly and uninterruptedly this couple sought folly in whatever form they liked.

Play was a temptation to which Hartley often yielded; his lady's losses in this way were not trivial: her husband's purse replenished her's as long as he could find means; for, proud of her beauty, and valuing himself on its possession, though he had long been satiated with it, he would not let her be under obligations to any of the herd who fawned and hovered round her. A gambler is sometimes careful of the honour of his wife! and though Mrs. Hartley coquetted and leered with all the witching arts of a trained beauty, yet no serious attack had hitherto been made on her honour by common fame.

Mr. Harcourt returned from India with a large fortune: he had been the schoolfellow and intimate boyish friend of Hartley; a libertine in morals, a free-thinker and infidel in his opinions, with prepossessing address, and easy manners, he was admitted on terms of renewed and close amity by Mr. Hartley.

The

The yet unfaded charms of Mrs. Hartley, set off by all the adventitious aids of art and dress, were calculated to light up a guilty passion in the breast of a man, who had been used to her style of beauty amongst the voluptuous and languishing females of the east.

His purse supplied the wants of Mr. Hartley; by the most delicate and refined flattery, he gained the ear of his wife. Mrs. Hartley perceived that a short period only could elapse, ere she must forego all the gratifications for which she lived, as the embarrassment of her husband's fortune was evident.

The circumstances which led to Mrs. Hartley's elopement with Mr. Harcourt we shall give in her own words, as she related them to her daughter Adriana:

"The fashionable vortex in which I was immerged in London soon took from me all the reason which I had left, and the mad career which I ran through would make your head giddy, and your heart sick, if I were to describe. I was univerially the *fashion*, and of course had acquired, with envied notoriety, the right to be as extravagant and ridiculous as possible; I could do nothing wrong, and every piece of dress, from the cap to the slipper, had the name of Hartley affixed to it for two successive winters: of course my husband's fortune suffered for this distinction; but, while he had the means of supplying me, I must do him the justice of saying he never complained.

"In about eighteen months after marriage, we were the most indifferent, yet the most *amicable* couple in the polite world; Mr. Hartley never lost sight of his complaisance, he generally fell in with my wishes, and we chimed together in thinking a distant school the best place for a child, who must be a great trouble if with us. Of my mother I took very little notice; I made my maid answer all her letters, and tell her of my health, and that I was the happiest of the happy. Careless and unreflecting, my life passed on without my performance of any duty of nature or religion which had been enjoined me, and my beauty was on the wane, and the fortune of Mr. Hartley much injured, when Mr. Harcourt arrived from India. Ah! spare me the recital of a tale of infamy—I was jealous of your opening charms, Adriana; yes, I was jealous of my own daughter—Hartley had refused to supply my expences; I had lost money to Harcourt—he knew how to make the 'worst appear the better reason.' I fled from the artless and affectionate caresses of my child, I fled with an insidious seducer, I voluntarily consigned myself to ruin. We pretended to go to France, merely as a feint to deceive Mr. Hartley, but we bent our course to the lakes of Cumberland; but the charms of nature and of scenery were indifferent to Harcourt—his mind had long been vitiated; his manners were insinuating, but his sentiments were gross—his opinions arbitrary, and his disposition selfish and severe; he

was fit for the sultan of the harem; but I felt my spirit roused at the idea of being even a favourite slave; I that had been independent, free, and popular; I that had given the lead to fashion, the tone to its caprice—to what was I now sunk? merely to the creature of Harcourt's pleasure—the toy for his amusement.

"We went to Harrowgate, and there remained some time, when, tired of any place which afforded less dissipation than the metropolis, Harcourt proposed returning thither: this I strenuously refused doing; I knew Mr. Hartley was in France, but I could not resolve to brave the eyes of my former acquaintances. Harcourt soon relaxed from every appearance of civility; and wishing to get rid of me, he provoked me to a rupture, and throwing me a hundred guineas, he bade me farewell, and left me. My bosom was bursting with mortified pride, at being obliged to accept his money—but I had no alternative—and taking my maid with me, I came to this place; how great was my surprise to find that you were in Bath, and with your father. I passed by a feigned name, and lived very retired in lodgings which I procured on the north parade; yet still I had opportunities of hearing of your beauty, of your father's continuance in his fatal habit of play, and also of the particular notice with which you were regarded by Lord Maybury, a man whose character was generally notorious for its libertinism and profligacy. It was now that reflection first forced itself on my mind; I dreaded that fate for my child for which I had paved the way by my example; conscience now pierced my breast with its acutest horrors. Adriana's ruin might, perhaps, have its origin in me!—*I* had neglected the duties of a mother—*I* had defied those of a wife—and in the agony of my soul I fell on my knees, and the first prayer which issued from my lips was in behalf of my child."

(To be continued.)

DESCRIPTION *of* MADEIRA.

MADEIRA is an island of the Atlantic Ocean, one hundred and twenty miles in circumference, and two hundred and forty N. by E. of Teneriffe. In 1419, when the Portuguese, under the patronage of Prince Henry, had made their second voyage unto their recently discovered island of Porto Santo, they observed towards the S. a fixed spot in the horizon, like a small black cloud. By degrees, they were led to conjecture that it might be land, and steering toward it, they arrived at a considerable island, uninhabited, and covered with wood, which, on that account, they called Madeira. Prince Henry,

the next year, settled a colony here, and not only furnished it with seeds and plants, and domestic animals, common in Europe, but he procured slips of the vine from Cyprus, the rich wines of which were then in great request, and plants of the sugar came from Sicily, into which it had lately been introduced. These throve so prosperously, that the sugar and wine of Madeira quickly became articles of some consequence in the commerce of Portugal; but its wine, in particular, is in the highest estimation, especially such as has been a voyage to the East or West-Indies, for it matures best in the hottest climate.

The scorching heat of summer, and the icy chill of winter, are here equally unknown; for spring and autumn reign continually, and produce flowers and fruits throughout the year. The cedar tree is found in great abundance, and extremely beautiful; most of the ceilings and furniture at Madeira are made of that wood, which yields a very fragrant smell. The dragon tree is a native of this island. Flowers nursed in the English green-houses grow wild here in the nelds; the hedges are mostly formed of the myrtle, rose, jessamine, and honey suckle; while the larkspur, fleur-de-lis, lupin, &c. spring up spontaneously in the meadows. There are very few reptiles to be seen in the island; the lizard is the most common. Canary birds and goldfinches are found in the mountains; of the former, numbers are sent every year to England. The island is well watered, and populous. Funchal is the capital.

WESTMINSTER-ABBEY.

"ON Saturday half a dozen of us made a pilgrimage to the tombs in Westminster-Abbey, conducted by Sir Joseph Ayloffe. The society (of antiquaries) have, or will have, drawings made of Siebert's tomb, and some paintings on it; also, I believe, of some other remarkable objects.

"I thought I had got a valuable relict of Henry V. being part of his silk-stocking; but I find all those figures now called the ragged regiment were new-dressed in James I.'s time, when the king of Denmark was to visit them. The late Queen Caroline wished to do the same; but the estimate delivered into her being 1000l. she dropped the design. However, the blocks are certainly curious, being, I doubt not, good resemblances taken at the time."—(Original letter from Dr. Lort, May 13, 1777.)

Answer, by W. D. of Bristol, to G. A.'Arden's s Rebus, inserted November 9.

THE tool you use, if I judge right,
The HAMMER, Sir, will bring to sight.

☞ We have received the like answer from J. R. S. U. of Awliscombe; an officer of the customs; H. Ellis, of Exeter; J. Joyce, and R. Loosemore, of Fiverton; H. Easter, of Poole; T. Coumbe, of St. German's; P. Codd, of Plymouth; J. Salter, of Broadhembury; and W. T. Dineck, of St Budeaux.

Answer, by T. Whicher, of Exeter, to W. D.'s Rebus, inserted November 16.

THE parts arrang'd, and made to suit,
Shew POMEGRANATE is the fruit.

† Similar answers have been received from J. Trood, and W. D. Champion, of Bridgwater; P. Codd, of Plymouth; J. Lewis, and H. Easter, of Poole; J. Salter, of Broadhembury; and J. Ryan, of Stonehouse; J. Woodman, of North Curry; J. A. Dyer, of Taunton; J. Colley, St. German's; T. Gill, officer of excise near Well; J. Rowden, of Heytesbury; J. B. of Barnstaple; and J. Whitnell, of Street.

Answer, by G. A. F. Arden, of South Petherton, to J. Ryan's Rebus, inserted November 23.

THE handsome TENCH you had in view,
Your servant, Sir, and so adieu.

†‡† Similar answers have been received from J. Lewis, and H. Easter, of Poole; S. D. of South Petherton; J, R. S. R. of Awliscombe; and J. Salter, of Broadhembury.

A REBUS, *by Adrianus.*

MY first a hazard will supply;
And if my next you would descry,
Two-thirds a grain unite;
'Tis in my whole, as I am taught,
The injur'd find redress, if sought;
The same pray bring to light.

An ENIGMA, *by J. R. S. R. of Awliscombe, Devon.*

IN mother Terra long lay I,
In subterranean night,
Till prying man, with lynxean eye,
Smack on me chanc'd to light.
Thence from her bosom rudely torn,
Without the least remorse,
O'er foaming billows I am borne,
Far from my native coast.
Nor yet my sufferings have an end,
Fresh torrents doom'd to bear,
With fire and smoke I'm forc'd to blend,
Consuming flames I share.

POETRY.

For the WEEKLY ENTERTAINER.

ON MR. HASE's SUCCEEDING ABRAHAM NEWLAND.

FAM'D Ab'ram Newland erst awoke
The tuneful poet's lays,
But not a bard has silence broke
For his successor Hase.

The task I claim in humble hope
My muse, instead of bays
Shall, giving Pegasus full scope,
Be paid in notes of Hase.

Ah! hungry bard, 'twere well for thee,
And lucky were thy lays,
If for thy numbers thou could'st see,
Rare sight! a note of Hase.

Alas! with him, I'm much in doubt,
Thy censure or thy praise,
Is heeded just as much about
As when a jackass brays.

Presumptuous muse! I can divine,
Amid the general blaze
Of incense which the world will join
In offering to Hase.

Thy feeble spark will not be seen,
Or seen without amaze,
Excepting, that a muse so green,
Attempts to sing of Hase.

Then leave vain verse, and idle song,
Thy empty stomach prays,
Thy jingling rhymes won't keep thee long,
Without the *prose* of Hase.

K. B. I.

ODE FOR THE NEW YEAR.

AS rolling time awakes another year,
And adds to his long catalogue the last,
Prophetic hope present new scenes to cheer,
Pensive reflection pondering on the past.

'Tis now the season when sagacious trade
Collects his debts, adjusts his gain's amount;
And profits, by her purer commerce made,
'Tis fit that friendship too should now recount.

Let none repine, tho' yearly he sustain
Some casual loss from incident of fate,
If still sufficient means behind remain,
To cherish and support life's short estate.

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Let each improve his stock, however small,
By honest diligence and duteous care;
And tho' misfortunes now and then befal,
With chearful resignation learn to bear.

See patient birds endure the wintry storm,
Sooth'd by the prospect of returning spring;
Tho' scowling ruin nature's face deform,
And hunger's harpies all are on the wing.

To doubt is sinful—to despair, a crime
Against omnipotence, whose wisdom still
Dispenses bliss and woe, in every time
Some beneficial purpose to fulfil.

Ev'n when the fiend of war rolls havoc's flood,
And desolation marks his dreadful way,
'Tis for some hidden end of general good
The scourge, permitted, thus exerts his sway.

Tho' galling tyranny in slavery's yoke
Awhile be suffer'd nations to enchain,
In God's good time their shackles shall be broke,
And liberty her wrested rights regain.

Let all in providence then place their trust,
Tho' foes increase, and perils thick impend:
True to their country, to their neighbour just,
And resolute with life their freedom to defend.

HAFIZ.

AMANDA's TOMB.

COME, pity, daughter of celestial birth,
Here fix thy seat, nor from this marble rove,
Here twine thy garland of the snow-white flower,
Here drop thy tear of sympathy and love.

Here sleeps Amanda! pride of ev'ry bow'r
That crown'd the garden of the village youth;
Her mind was spotless as the virgin flow'r;
Her soul was love, and innocence, and truth.

Brave was Lorenzo, and of noble heart,
Inspir'd by all that godlike souls adorn;
Mild as the breeze by trembling zephyrs fann'd,
And pure as dew-drops of the crystal morn.

She lov'd Lorenzo, lov'd him long and true,
And her fond heart to him alone was given;
His country call'd—to arms and death he flew;
Amanda droop'd, and sought her native Heaven.

So in the evening of the laughing spring
I've seen the vi'let all its sweets exhale,
Seen spotless lilies lift the snowy head,
And blushing roses wanton in the gale.

But ere the morn its golden streamers shed,
Or infant day the smiling hills o'ercast,
The tempest's fury swept the od'rous bed,
And all its beauty feels th' merciless blast.

Thus fell Amanda, thus Lorenzo fell,
Flow'rs celestial of immortal bloom;
Tho' rudely blasted in the op'ning bud,
Thro' endless day shall shed a sweet perfume.

Camborne. J. B.